

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST DIV. CINCINNATI

WALTER W. THIEMANN,

Plaintiff,

-v-

OHSL FINANCIAL CORP., ET AL.,

Defendants.

) Case No. C-1-00-793
:
) (Judge Sandra S. Beckwith)
) (Magistrate Judge Timothy S. Hogan)
:
) PROVIDENT AND OHSL
) DEFENDANTS' MEMORANDUM IN
) OPPOSITION TO PLAINTIFF'S
) MOTION FOR LEAVE TO FILE
) SUPPLEMENTAL BRIEF IN
) FURTHER SUPPORT OF MOTION TO
) DISQUALIFY KMK

I. INTRODUCTION

Plaintiff seeks leave from the Court to file a "supplemental brief" in further support of his motion to disqualify Keating, Muething & Klekamp, P.L.L. as Defendants' trial counsel. Plaintiffs' motion, however, contains no record or legal support, and, instead, consists of unintelligible argument related to the fact that KMK transactional attorneys Weiss, Matthews, Reuter and Winstead -- potential fact witnesses in the case -- were represented during their depositions by Patrick F. Fischer and Louis F. Gilligan. The Court should deny Plaintiff's Motion for Leave because the proposed "supplemental brief" fails to comply with the requirements of the Local Rules.

II. ARGUMENT

The "supplemental brief" Plaintiff now seeks to file does not contain a single record or legal citation and consists of nothing more than the conclusory and unsupported assertions from Plaintiff that have become the hallmark of this case. The supplemental brief is improper under

Local Rule 7.2(a) because it fails to offer citation of any legal authority relied upon and offers no record support for the asserted "fact" allegations. Civ. R. 7.2(a).

The Court should deny Plaintiff's motion for leave to file the supplemental brief as it is impossible for Defendants to respond to the unsupported and conclusory allegations from Plaintiff, especially when they are unaccompanied by any legal argument or authority. Should the Court wish to consider, in substance, the matters raised in Plaintiff's proposed "supplemental brief", the Court should order Plaintiff to re-submit a brief that complies with Local Rule 7.2(a), and should thereafter allow Defendants to file an opposing memorandum within the time prescribed by the Local Rules.

Respectfully submitted,



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CERTIFICATE OF SERVICE

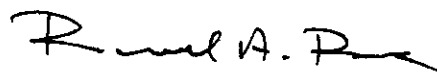
I hereby certify that a copy of the foregoing **Provident and OHSL Defendants' Memorandum In Opposition to Plaintiff's Motion for Leave to File Supplemental Brief in Further Support of Motion to Disqualify KMK** was served upon the following by ordinary U.S. mail, this 2nd day of September, 2003.

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